

C E L L U L A R E M E R G E N C Y A L E R T S E R V I C E S
A S S O C I A T I O N

An Open Letter Comment in Support of Retaining Channels 51-69

to:

Comments FCC Docket 00-258

filed May 1, 2001

Gentlemen:

I wish to address you as a private citizen and the founder of a volunteer organization, the Cellular Emergency Alert Services association, with regard to its issue of reallocation of radio spectrum currently held by commercial Television Broadcast stations UHF channels 51-60.

Our organization was formed to promote the inclusion of the cellular networks into the nation's Emergency Alert Service, to help resolve the critical inability of our present warning program to alert the public of imminent disaster events. It is evident that allowing local emergency officials access to the one hundred million wireless receivers now owned and carried by the American public, would substantially enhance our nation's safety and security by providing a rapid means of delivering an alert message to the handsets in a designated warning site.

Although this technology known as "Cell-Broadcast/Short Messaging Service" is an inherent feature of digital cellular, and has been used overseas for emergency notification, we have been unable to convince the American Cellular Industry to allow its use in the US.

Sighting the fact that unlike the commercial broadcast licensee's, the wireless industry has paid substantial fees for their spectrum, the cellular industry continues to refuse to dialog or discuss this application of their technology unless its deployment represented a "market-driven" venture.

It is our contention that this is counter to both the intent and purpose of the Telecommunication's Act(s) that were established to guarantee radio spectrum management reflected the "common good", and granted preemption of local authority over broadcast towers based on the presumption that these incursions on public and private lands would serve public needs.

A pilot program known as First-Alert has recently tested the industry's position. As purposed to the cellular industry, the project would offer a 90 day study of the effectiveness of Cellular Emergency Alert Service during the tornado season, without cost or operational obligation to the carriers.

Although the test was, supported by the Governor of Iowa, the wireless carriers have refused all attempts to meet or discuss the program with any representative of the state, local, or national emergency agency, sighting they felt there were "better ways to achieve this (public safety)", than the use of their "private" property.

Our concerns are clear. If in denying access for public warning, the cellular industry feels no obligation to reflect the public interest in the management of the spectrum already provided, should they be granted the privileged use of spectrum that is presently providing Emergency Alert Service?

Unquestionably, cellular participation in the E.A.S. program would substantially reduce deaths and injuries from natural disasters and manmade accidents. The commercial broadcasters have shouldered this great responsibility for over fifty years. Is it not to be expected that all broadcast technologies share this public service?

We, therefore, submit that further use of our airwaves by private industry at the expense of our nation's civil readiness is not in the public interest, and respectfully request that any transfer of spectrum maintain participation in the EAS program as a condition of use.

Ironically, had cellular broadcasters embraced the public benefit obligation of their present spectrum allocations, and respected the safety of their own customers; this could have been a powerful argument for further spectrum allocations.

Respectfully submitted,



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CEASassociation